

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 471 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 4-12-8-2, AS ADDED BY P.L.21-2000, SECTION  
4       6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
5       PASSAGE]: Sec. 2. (a) The Indiana prescription drug fund is  
6       established for the purpose of providing access to needed prescription  
7       drugs to ensure the health and welfare of Indiana's low-income senior  
8       citizens. The fund consists of:  
9       (1) amounts to be distributed to the fund from the Indiana tobacco  
10       master settlement agreement fund;  
11       (2) appropriations to the fund from other sources;  
12       (3) grants, gifts, and donations intended for deposit in the fund;  
13       and  
14       (4) interest that accrues from money in the fund.  
15       (b) The fund shall be administered by the budget agency. Expenses  
16       for administration and benefits under the Indiana prescription drug  
17       program established under IC 12-10-16 **and the Hoosier helping hand**  
18       **program established under IC 12-10-17** shall be paid from the fund.  
19       Notwithstanding IC 5-13, the treasurer of state shall invest the money  
20       in the fund not currently needed to meet the obligations of the fund in  
21       the same manner as money is invested by the public employees  
22       retirement fund under IC 5-10.3-5. The treasurer of state may contract  
23       with investment management professionals, investment advisors, and  
24       legal counsel to assist in the management of the fund and may pay the

state expenses incurred under those contracts. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

**(c) If the amounts in the fund are insufficient to pay all expenses for administration and benefits under the Indiana prescription drug program established under IC 12-10-16 and the Hoosier helping hand program established under IC 12-10-17 for a particular year, the lesser of:**

**(1) thirty-five million dollars (\$35,000,000) minus other funds appropriated to the fund; or**

**(2) the amount of the deficiency;**

**shall be transferred to the fund from the Indiana tobacco master settlement agreement fund for those purposes, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. Amounts necessary to make any transfers required under this subsection are appropriated from the Indiana tobacco master settlement agreement fund.**

SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.273-1999, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule jointly adopted by the water pollution control board and the budget agency under IC 13-18-13-18.

(9) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(10) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.

(11) An emergency rule adopted by the Indiana transportation

1 finance authority under IC 8-21-12.

2 (12) An emergency rule adopted by the insurance commissioner  
3 under IC 27-1-23-7.

4 (13) An emergency rule adopted by the Indiana horse racing  
5 commission under IC 4-31-3-9.

6 (14) An emergency rule adopted by the air pollution control  
7 board, the solid waste management board, or the water pollution  
8 control board under IC 13-15-4-10(4) or to comply with a  
9 deadline required by federal law, provided:

10 (A) the variance procedures are included in the rules; and

11 (B) permits or licenses granted during the period the  
12 emergency rule is in effect are reviewed after the emergency  
13 rule expires.

14 (15) An emergency rule adopted by the Indiana election  
15 commission under IC 3-6-4.1-14.

16 (16) An emergency rule adopted by the department of natural  
17 resources under IC 14-10-2-5.

18 (17) An emergency rule adopted by the Indiana gaming  
19 commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.

20 (18) An emergency rule adopted by the alcoholic beverage  
21 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or  
22 IC 7.1-3-20-24.4.

23 (19) An emergency rule adopted by the department of financial  
24 institutions under IC 28-15-11.

25 (20) An emergency rule adopted by the office of the secretary of  
26 family and social services under IC 12-8-1-12.

27 (21) An emergency rule adopted by the office of the children's  
28 health insurance program under IC 12-17.6-2-11.

29 **(22) An emergency rule adopted by the office of the secretary**  
30 **of family and social services under IC 12-10-17-6(b).**

31 (b) The following do not apply to rules described in subsection (a):

32 (1) Sections 24 through 36 of this chapter.

33 (2) IC 13-14-9.

34 (c) After a rule described in subsection (a) has been adopted by the  
35 agency, the agency shall submit the rule to the publisher for the  
36 assignment of a document control number. The agency shall submit the  
37 rule in the form required by section 20 of this chapter and with the  
38 documents required by section 21 of this chapter. The publisher shall  
39 determine the number of copies of the rule and other documents to be  
40 submitted under this subsection.

41 (d) After the document control number has been assigned, the  
42 agency shall submit the rule to the secretary of state for filing. The  
43 agency shall submit the rule in the form required by section 20 of this  
44 chapter and with the documents required by section 21 of this chapter.  
45 The secretary of state shall determine the number of copies of the rule  
46 and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, and IC 22-8-1.1-16.1, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(14), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. A rule adopted under subsection (a)(14) may be extended for two (2) extension periods. Except for a rule adopted under subsection (a)(14), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

⊕ (i) This section may not be used to readopt a rule under IC 4-22-2.5.

SECTION 3. IC 12-7-2-91, AS AMENDED BY P.L.14-2000, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 91. "Fund" means the following:

(1) **For purposes of IC 12-10-16, the meaning set forth in IC 12-10-16-1.**

(2) **For purposes of IC 12-10-17, the meaning set forth in IC 12-10-17-2.**

(3) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

⊖ (4) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.

⊖ (5) For purposes of IC 12-15-20, the meaning set forth in

- 1 IC 12-15-20-1.  
 2 ~~(4)~~ (6) For purposes of IC 12-17-12, the meaning set forth in  
 3 IC 12-17-12-4.  
 4 ~~(5)~~ (7) For purposes of IC 12-17.6, the meaning set forth in  
 5 IC 12-17.6-1-3.  
 6 ~~(6)~~ (8) For purposes of IC 12-18-4, the meaning set forth in  
 7 IC 12-18-4-1.  
 8 ~~(7)~~ (9) For purposes of IC 12-18-5, the meaning set forth in  
 9 IC 12-18-5-1.  
 10 ~~(8)~~ (10) For purposes of IC 12-19-7, the meaning set forth in  
 11 IC 12-19-7-2.  
 12 ~~(9)~~ (11) For purposes of IC 12-23-2, the meaning set forth in  
 13 IC 12-23-2-1.  
 14 ~~(10)~~ (12) For purposes of IC 12-24-6, the meaning set forth in  
 15 IC 12-24-6-1.  
 16 ~~(11)~~ (13) For purposes of IC 12-24-14, the meaning set forth in  
 17 IC 12-24-14-1.  
 18 ~~(12)~~ (14) For purposes of IC 12-30-7, the meaning set forth in  
 19 IC 12-30-7-3.

20 SECTION 4. IC 12-7-2-146, AS AMENDED BY P.L.273-1999,  
 21 SECTION 166, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE UPON PASSAGE]: Sec. 146. "Program" refers to the  
 23 following:

- 24 (1) For purposes of IC 12-10-7, the adult guardianship services  
 25 program established by IC 12-10-7-5.  
 26 (2) For purposes of IC 12-10-10, the meaning set forth in  
 27 IC 12-10-10-5.  
 28 (3) For purposes of IC 12-10-16, the meaning set forth in  
 29 IC 12-10-16-2.  
 30 (4) For purposes of IC 12-10-17, the meaning set forth in  
 31 IC 12-10-17-3.  
 32 (5) For purposes of IC 12-17.6, the meaning set forth in  
 33 IC 12-17.6-1-5.

34 SECTION 5. IC 12-10-17 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]:

#### 37 Chapter 17. Hoosier Helping Hand Program

38 Sec. 1. (a) This chapter applies if a federal prescription drug  
 39 assistance block grant program is established to provide financial  
 40 assistance to Medicare beneficiaries as follows:

- 41 (1) For individuals whose family income is less than one  
 42 hundred thirty-five percent (135%) of the federal income  
 43 poverty level, one hundred percent (100%) of prescription  
 44 drug expenses.  
 45 (2) For individuals whose family income is at least one  
 46 hundred thirty-five percent (135%) but less than one hundred

seventy-five percent (175%) of the federal income poverty level, fifty percent (50%) of prescription drug expenses.

(b) Notwithstanding subsection (a) and subject to the provisions of this chapter, this chapter applies if a federal prescription drug assistance block grant program is established to provide financial assistance to Medicare beneficiaries at income or assistance levels different than described in subsection (a).

Sec. 2. "Fund" refers to the Indiana prescription drug fund established under IC 4-12-8-2.

Sec. 3. "Program" refers to the Hoosier helping hand program developed under this chapter.

Sec. 4. (a) The office of the secretary shall develop and administer a program to provide needed prescription drugs to Indiana's low income senior citizens in conjunction with a federal prescription drug assistance program described in section 1 of this chapter.

(b) The program developed under this chapter must include the following:

(1) Use of federal block grant funds to provide financial assistance to eligible individuals as provided under a federal prescription drug assistance program described in section 1 of this chapter.

(2) Use of money from the fund to provide additional financial assistance to eligible individuals, as provided under this chapter.

(3) Any other provision required under a federal prescription drug assistance program described in section 1 of this chapter.

(c) The program developed under this chapter may not use any non-federal funds to provide financial assistance to an individual whose family income:

(1) is at least one hundred thirty-five percent (135%) of the federal income poverty level, or at a level that qualifies the individual for federal assistance at the highest level provided under a federal prescription drug assistance program described in section 1 of this chapter; or

(2) is at least one hundred seventy-five percent (175%) of the federal income poverty level.

(d) Subject to available funding, the combination of federal and state assistance provided to an individual whose family income is at least one hundred thirty-five percent (135%) but less than one hundred seventy-five percent (175%) of the federal income poverty level, or at a level that qualifies the individual for the lowest level of assistance through the use of federal funds only under a federal prescription drug assistance program described in section 1 of this chapter, must be equal to the level of federal assistance provided to an individual whose family income is less than one hundred

thirty-five percent (135%) of the federal income poverty level, or at a level that qualifies the individual for the highest level of assistance through the use of federal funds only.

(e) The program developed under this chapter must, to the extent allowed by a federal prescription drug assistance program described in section 1 of this chapter, require the payment of deductibles or copayments.

Sec. 5. The administrative expenses and benefit costs of the program shall be paid from the fund.

Sec. 6. (a) The office may adopt rules under IC 4-22-2 to implement the program.

(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement the program on an emergency basis.

Sec. 7. The program expires on the earlier of the following:

(1) December 31, 2004.

(2) The date on which the federal program described in section 1 of this chapter expires."

Page 1, between lines 13 and 14, begin a new paragraph and insert:  
"SECTION 8. IC 12-17.6-3-4, AS ADDED BY P.L.273-1999, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The office shall implement outreach strategies that build on community resources.

(b) Outreach strategies implemented by the office must include information regarding prescription drug assistance programs offered by pharmaceutical manufacturers that may be available to the parent of a child who is eligible to enroll in the program."

Page 5, between lines 21 and 22, begin a new paragraph and insert:  
"SECTION 12. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of the secretary of family and social services established by IC 12-8-1-1.

(b) As used in this SECTION, "program" refers to the Hoosier helping hand program developed under IC 12-10-17, as added by this act.

(c) The office shall apply to the United States Department of Health and Human Services for approval of the program. The office shall submit the application required under this subsection not later than thirty (30) days after the effective date of a federal prescription drug assistance program described in IC 12-10-17-1, as added by this act.

(d) If a provision of this SECTION differs from the requirements of an application for approval of the program, the office shall submit the application in a manner that complies with the application requirements. However, if the program is approved, the office shall apply within one hundred twenty (120) days after the program is approved for an amendment to the program that contains the provisions under this SECTION that were not included in the approved program.

1       (e) The office may not implement the program until the office  
2       files an affidavit with the governor attesting that the program has  
3       been approved by the United States Department of Health and  
4       Human Services. The office shall file the affidavit required under  
5       this subsection not later than five (5) days after the office is notified  
6       that the program is approved.

7       (f) If the office receives approval from the United States  
8       Department of Health and Human Services and the governor  
9       receives the affidavit filed under subsection (e), the office shall  
10      implement the program not more than thirty (30) days after the  
11      governor receives the affidavit.

12      (g) The office may adopt rules under IC 4-22-2 necessary to  
13      implement this SECTION.

14      (h) This SECTION expires January 1, 2005."

15      Renumber all SECTIONS consecutively.

    (Reference is to ESB 471 as printed April 9, 2001.)

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Representative Murphy